

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

)	CASE NO. 01-61721
)	
IN RE:)	CHAPTER 7
)	
JEFFREY TOBIN and)	JUDGE RUSS KENDIG
CAROLYN TOBIN,)	
)	
Debtors.)	MEMORANDUM OF OPINION
)	
)	
)	

Before the court is the motion of Jeffrey Tobin and Carolyn Tobin (hereafter “Debtors”), filed June 2, 2003, requesting a rehearing and relief from judgment of the order entered May 27, 2003 overruling Debtors’ objections and granting a motion for turnover of real estate and notice of proposed sale of real estate filed by Josiah L. Mason (hereafter “Trustee”). Trustee objected to this motion on June 12, 2003.

JURISDICTION

The court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b), the general order of reference entered in this district on July 16, 1984, and 28 U.S.C. § 157(b)(1). The following constitutes the court’s findings of fact and conclusions of law pursuant to Federal Rule of Bankruptcy Procedure 7052.

FACTS

In his motion for turnover of real estate and notice of proposed sale of real estate, Trustee requested that Debtors vacate and turnover real estate located at 15910 Divelbiss Road, Mount Vernon, Ohio 43050 pursuant to 11 U.S.C. § 542(a) so that he could sell the real estate for the benefit of Debtors’ creditors pursuant to 11 U.S.C. § 363(b)(1).

In response, Debtors filed objections to the motion for turnover and notice of sale grounded on the same three bases. In an order entered May 27, 2003, the court overruled Debtors’ objections without an oral hearing as Debtors had failed to request one.

Now, Debtors request relief from the May 27, 2003 order under Federal Rule of Bankruptcy Procedure 9024 and a rehearing under Federal Rule of Bankruptcy Procedure 8015.

ANALYSIS

With regard to the request for relief from judgment, Debtors argue that the May 27, 2003 order is defective because it contains only an electronic signature and not an actual signature of the court. As in so many other matters, Debtors cite *no* authority to support the proposition that this is required. Pursuant to General Order No. 02-2, the judges of the Bankruptcy Court for the Northern District of Ohio adopted the Administrative Procedures Manual wherein procedures for the electronic filing and signing of pleadings were established. Debtors' argument lacks merit.

With regard to their request for a rehearing, Debtors argue that the May 27, 2003 order was entered without a hearing in open court to address their objections. As this court noted in detailing the hearing process in its entry of June 30, 2003 denying Debtors' motion to stay the May 27, 2003 order pending a rehearing or an appeal, Debtors did not request a hearing to address their objections. This argument is without merit.

Finally, Debtors reiterate arguments raised in their objections to the motion for turnover and notice of sale, which the court already considered and overruled in its May 27, 2003 order, its June 23, 2003 order denying Debtors' motion to conduct a 2004 exam, and its June 30, 2003 order. These arguments were without any basis in fact or law the first time around and have not gained any strength on repeated trips around the block.

CONCLUSION

For the foregoing reasons, Debtors' requests for relief from judgment and for rehearing lack merit. An order in accordance with this decision shall enter forthwith.

RUSS KENDIG
U.S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

)	CASE NO. 01-61721
)	
IN RE:)	CHAPTER 7
)	
JEFFREY TOBIN and)	JUDGE RUSS KENDIG
CAROLYN TOBIN,)	
)	ORDER
Debtors.)	
)	
)	

Debtors Jeffrey Tobin and Carolyn Tobin filed a motion requesting a rehearing and relief from judgment of the order entered May 27, 2003 overruling their objections and granting a motion for turnover of real estate and notice of proposed sale of real estate filed by Trustee Josiah L. Mason. Trustee objected.

For the reasons stated in the accompanying memorandum of opinion, Debtors' request for a rehearing and relief from judgment of the order entered May 27, 2003 is **DENIED**, and Trustee's objections are **SUSTAINED**.

It is so ordered.

RUSS KENDIG
U.S. BANKRUPTCY JUDGE

SERVICE LIST

Josiah Mason
P.O. Box 345
153 W. Main Street
Ashland, Ohio 44805

Donald E. George
503 Portage Lakes Drive, #6
Akron, Ohio 44319

Jeffrey Tobin
15910 Divelbiss Rd
Mount Vernon, OH 43050

Carolyn Tobin
15910 Divelbiss Rd
Mount Vernon, OH 43050